IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD.

HON'BLE SRI JUSTICE V.V. S. RAO

Writ Petition No. 19812 of 2005

Dated: 8th September 2005

Between:

Krishna Dass Tolwala

… Petitioner

And

The Commissioner,

Municipal Corporation of Hyderabad,

Town Planning Section,

Secunderabad Zone, Secunderabad

And another.

… Respondents

Oral Order:

The petitioner is owner of premises bearing No.1-10-72/2 at Begumpet. First respondent sent a communication to him requesting for cooperation in the road-widening programme, as an area admeasuring

26' x 26' depth of his property would get affected. He was asked to give consent for advance possession while informing that compensation would be paid. The petitioner did not give his consent. Apprehending coercive action for demolishing his property, present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for Municipal Corporation of Hyderabad.

The learned Standing Counsel has placed before this Court office file showing that petitioner and others in S.P. Road area did not give their consent for giving advance possession and therefore proceedings under the Land Acquisition Act, 1894 were already initiated. Therefore, the writ petition is misconceived. Now that the land acquisition proceedings are initiated, till they are completed, petitioner cannot be deprived of his right to enjoy the property, except in accordance with law, nor the Corporation can demolish the structures without due process of law.

The writ petition, with the above observations, is accordingly disposed of at the admission stage.

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(V.V.S. Rao, J)

8th September 2005

svs